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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/074,257
Applicant : Chin-Pin LIU et al.
Filed : February 14, 2002
TC/A.U. : 1644
Examiner : Francois P. Vandervegt

Docket No. : 1954-313
Customer No. : 06449
Confirmation No. : 5061

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT & ELECTION OF SPECIES

Dear Sir:

In response to the Office Action dated April 7, 2004, Applicants elect the claims of Group I (claims 1-35), with traverse. In response to the requirement for election of species, Applicants elect antigenic peptides related to diabetes (species ii).

Claims 1-48 currently are pending in this application. Applicants traverse the Office's requirement for a restriction in this application and request that all of claims 1-48 be examined on the merits at this time.

The Office has divided the claims of this application into seven groups. Group I is related to groups II-VII as product and process of use. The Office has the burden, in making a restriction requirement, of showing that the restricted claim groups are directed to inventions that are "independent and

distinct," and that search and examination of the claims together can be made without serious burden. M.P.E.P. § 803.

The Office asserts that the invention of groups III-V are unrelated and that the inventions of Groups VI-VII are unrelated. Even accepting the Office's assertions with respect to these claim groups, Group II is not even asserted to be independent distinct from these claim groups. Applicants request that Group II, claims 36-43 be rejoined with Group I so that these claims may be examined together. Claims 36-43 of Group II are dependent on claim 28 (which is a member of Group I) and therefore contain all the limitations of claim 28. A search of these dependent claims therefore necessarily includes subject matter which will have to be searched and examined with claim 28. Applicants, therefore, submit that rejoining Group II with Group I will not increase the Examiner's search burden above a search of Group II alone. The examination of these Groups together therefore will not create a serious burden to the Office and the claims must be examined together. See M.P.E.P. § 803.

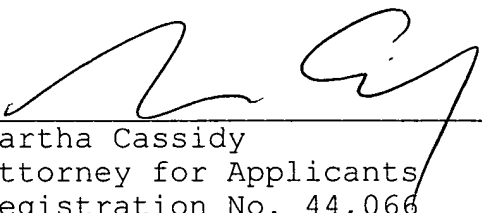
If the Office does not rejoin Group II with Group I for examination, Group II should be rejoined with Groups III-VII, since it is deemed not unrelated to them by the Office. Each of Groups III-VII is classified in the same class and subclass, moreover. These groups therefore must be examined together since no serious burden is incumbent upon the Examiner to search and examine these claims together. In fact, forcing the Examiner to perform five separate searches in the same subclass, as would be necessary if Groups III-VII are examined separately, would actually increase the burden on the Office. Applicants therefore request that the claims of Groups III-VII be rejoined with each

other and to claim Group II, which is not asserted to be related to Groups III-VII should Group II not be rejoined with Group I.

For the above reasons, Applicants request that all claims be examined on the merits at this time.

Respectfully submitted,

By



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